

I hereby certify that the following documents are being faxed to the USPTO facsimile number (703) 872-9306 on September 13, 2005 by Ramona J. Zaya.

*JFW*  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 13 2005

In re Patent Application of:

Applicant(s): Joseph W. Tsang et al

Date of Mailing: September 13, 2005

Application Number: 10/059693

Filing Date: 01-28-2002

Title: A Co-Catalyst Proton Exchange Membrane Fuel Cell Utilizing Borohydride Fuels

Applicants' Reference Number: 10011434-1

VIA FACSIMILE (703) 872-9306

Mail Stop Petitions  
 Commissioner for Patents  
 PO Box: 1450  
 Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicant contends that the application is not in fact abandoned (i.e., a reply was in fact filed), and requests withdrawal of the holding of abandonment under 37 C.F.R. § 1.181(a). This petition is being sent via facsimile: 703-872-9306.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. A copy of the Issue Fee Transmittal, confirmation of fax sent, and a copy of the Auto-Reply Transmission from the USPTO dated: January 26, 2005 (Issue Fee Due March 28, 2005). (Marked Exhibit A).
2. A copy of the Notice of Abandonment from the USPTO. (Marked Exhibit B).

Although Applicants believe that this is an error of the Patent Office and that thus no petition fee is due, Applicants hereby authorize the Patent Office to charge Deposit Account 08-2025 for any required fees.

If any issues remain, the Examiner is encouraged to telephone the undersigned at the number listed below.

Hewlett Packard Company  
 Legal Department – IPA  
 PO Box 272400  
 Fort Collins, CO 80527-2400

Respectfully submitted,

Joseph W. Tsang et al

by *David W. Collins*  
 David W. Collins, Reg. No.: 26,857  
 Attorney for Applicants  
 (520) 399-3203

EDGEO 1/26/2005 5:40 PM PAGE 1/001 Fax Server  
Re-reply fax to 8506628063 COMPANY:

## **Auto-Reply Facsimile Transmission**

# Exhibit A



TO: Fax Sender at 6506523763

### **Fax Information**

**Date Received:**

Total Pages:

1/26/2005 5:39:36 PM [Eastern Standard Time]  
1 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.8(l). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

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COMMON LOCATION ADDRESS: 1000 BROADWAY, NEW YORK, NY 10036, USA 212-362-8888

FAX HEADER 1: HZ LEGAL  
FAX HEADER 2:

TRANSMITTED/STORED : JAN 26 2005 7:35PM  
FILE MODE OPTION ADDRESS

26200-7

7294 MEMORY TX 0510 0X 11  
REASON FOR CANCEL: PLS TALK TO DR. LINTZ TONIGHT.  
P.S. NO WIRELESS.

PART D - FEES) TRANSCRIPTS

Complete both sides of this form, together with application thereto, for Muni  
Mail Box (SUSY) 5000  
Comptroller's Office, Post Office  
P.O. Box 3465  
Albion, Wisconsin 54105-3465  
(715) 746-0100

Frank W. Johnson, 1924 Home Director, has requested that the Bureau of Fisheries and Protection (BDFP) conduct a research study to determine the feasibility of developing a system to prevent illegal commercial fishing by foreign vessels in U.S. waters.

200  
Hewlett-Packard Company  
Manufacturing Division  
P.O. Box 2700-440  
For Customer Use Only - 2400

**Geography of Maharashtra** - Maharashtra's location is in the central part of India, which provides it with a variety of landscapes. The state has a coastal area along the Arabian Sea to the west and a plateau region to the east. The Western Ghats mountain range runs through the state, providing it with a mix of tropical and subtropical climates. Major rivers like the Godavari, Krishna, and Mahanadi flow through the state, supporting agriculture and providing hydroelectric power.

APPEL TYPE	SMALL CIVILS	GENERAL	PUBLIC DEFENDER	TELE 24 (PHONE CALL)	DATE REC'D.
Waiver/Petition	143	\$1400	3400	\$1750	04/20/2005

3 ASSISTANT STATE ATTORNEY GENERAL DATA TO BE PRINTED ON THE PATRIMONY CARD OR CARD  
4 VARIOUS FEDERAL AGENTS AND MEMBERS OF THE BAR ARE REQUESTED TO MAKE A COPY OF THIS CARD FOR THEIR USE.

**SEARCHED** **INDEXED** **SERIALIZED** **FILED** **SEARCHED** **INDEXED** **SERIALIZED** **FILED**

Kunertia, Section

Digitized by srujanika@gmail.com

Please indicate your current or previous culture or religions (check one or more boxes):  Christianity  Hinduism  Buddhism  Islam  Judaism  Other \_\_\_\_\_

A check in the amount of the Supply is enclosed  
 Payment by mail sent, Payee PTO-2025 is enclosed  
Date \_\_\_\_\_

b. The Source is my personal or family doctor or dentist.  c. The Source is my employer or supervisor.  d. The Source is my lawyer or attorney.  e. The Source is my pastor or minister.

Authoritative Signatures  Date 1/26/05

17-22-15 (Rev. 12/16) Assigned On or Before 12/20/2017. GPO: 2013-100777 U.S. POSTAL TIMING ACT OF 2013, DEPARTMENT OF COMMERCE

PAGE 374 RCVD AT 9/13/2005 5:06:27 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-6/0 \* DNI:8729306 \* CSID:6508528063 \* DURATION (mm:ss):03:24

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## PART B - MAIL TRANSMISSION

Complete and send this form, together with applicable fees, to: Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 235-9000

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and other fees required by 37 CFR 1.16 through 3 should be completed where appropriate. All other correspondence concerning the Patent, Trademark and Copyright offices of the United States Patent and Trademark Office should be addressed to the appropriate office as indicated below or directed, otherwise, to Block 1, by (1) specifying a new correspondence address under (2) indicating a specific P.T.O. ADDRESSE

Customer/Correspondence Address Block 1 for changed address

1570 1727484  
**HEWLETT-PACKARD COMPANY**  
Intellectual Property Administration  
P.O. Box 272600  
Fort Collins, CO 80507-2600

Note: A certificate of mailing can only be used for domestic mailing of the Priority Transmission. This certificate cannot be used for any other correspondence. Each additional page shall be so designated as front of envelope. This form is not suitable for mailing or correspondence.

**Certificate of Mailing or Transmission:**  
I hereby certify that this Priority Transmission is being transmitted via the United States Postal Service with the following postage. The class mail is on envelope addressed to the Mail Stop 1450, U.S. Patent and Trademark Office, Alexandria, Virginia 22313-1450, on the date indicated below.

*September 13, 2005*

APPLICATION NO.	FILED DATE	FIRST IMAGE IN PCT	EXAMINER'S NAME	CONFIRMATION NO.
10837,603	01/23/2002	20020124 TWE	HOLLAHAN, J.	1045

TITLE OF INVENTION: CO-CATALYST REACTION & RESISTANCE MEMBRANE & CELL UTILIZING BODIVINYLIC OILS

APPN TYPE	SIMILARITY	DESER. FEE	PUBLICATION DUE	ATTY. FEE DUE	DATE PAY.
provisional	NO	\$1,400	5/20/02	\$8,700	01/23/03
EXAMINER	ART 1347	CLAS SUBS. LWS			
APPLN. FILER'S	1347	437-319009			

- 1 Change of correspondence address or indication of "Fees Address" (37 CFR 1.36).  
 Change of correspondence address (or Change of Correspondence Address from PTO/USPTO) indicated.  
 The Address indicated by "Fees Address" includes Serial #10837,603 or more recently filed, Use of a Certificate Number is required.
- 2 For mailing on the patent issue page, for:  
 the name of up to 3 registered patent attorneys or agents OR, successively,  
 the name of a single firm (having as its members registered attorneys or agents) and the names of up to 3 registered patent attorneys or agents if no name of firm is given, no name will be printed.

3 ASSIGNMENT NAME AND RESPONSOE DATA TO BE PRINTED ON THE PATENT (parts of 1(a))

**P. BASIC NOTE:** Unless an application is filed before, or appears later, on the patent, no stamp or signature is required unless the document has been filed in accordance with 37 CFR 1.14. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Hewlett-Packard Development Company, L.P.

(B) RESIDENCE, CITY AND STATE OR COUNTRY

Houston, Texas

- Please check the appropriate assignee category or categories held not be printed on the record:  Individual  Corporation or Other private group entity  Government  
 a. The following field are not used:  
 None  
 Publication fee  
 Advance Order - F of C  
 b. Payment of Filing Fee:  
 A check in the amount of the fee(s) is enclosed  
 Payment by credit card. Form PTO-848 is enclosed  
 The Director is hereby authorized by change the designated credit, or credit my present credit to Design Account Number *08-2025*  
*08-2025* (check one for a copy of this form)

- c. Change of Party Status (not included above)  
 A separate filing SMALL ENTITY STATUS (See 37 CFR 1.37)(A),  
 The Director reserves the right to accept or deny the filing of this application if it is determined that the filing does not meet the requirements of the Small Entity status. See 37 CFR 1.37(A)(3).  
 Notes: The above fee and publication entry, if accepted, will not be assessed if anyone other than the assignee is named in the application or if there is a change in the assignee.

Authorized Signature: *David W. Collins*  
 Typed name: *DAVID W. COLLINS*

Date: *1/26/05*

Registration No. *2,101,854*

This collection of information is conducted by 37 CFR 1.37. The information is required to obtain or retain a benefit by the public. Length of time for which the information will be held is not for the USPTO to determine. Confidentiality is guaranteed by 35 U.S.C. 121 and 37 CFR 1.14. This collection is estimated to take 15 minutes to complete, including gathering, validating, and transmitting the information. Item 1 is mandatory under 37 CFR 1.37. Any comments on the burden of time you require to complete the form should be sent to the Director, U.S. Patent and Trademark Office, 44-1, Department of Commerce, 1100 L Street, N.W., Washington, D.C. 20591-1450, DCO-WG7-3040 (202) 222-1147, (202) 222-1148, (202) 222-1149, STANZ TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no person is less required to respond to a collection of information unless it displays a valid OMB control number.

PTO-84 (Rev. 12/03) Approved for use through 04/30/2007 GIN 064-1003 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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SEP. 13. 2005 2:03PM HP LEGAL

NO. 9687 P. 5



**Exhibit B**

UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

SEP 09 2005

HP Legal  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
IPAD: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,693 ✓	01/28/2002 ✓	Joseph W. Tsang	10011434-1 ✓	5926 ✓
7590	09/02/2005			
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			EXAMINER MAPLES, JOHN S	
			ART UNIT 1745	PAPER NUMBER

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/059,693	Tsang
	Examiner	Art Unit
	Maples	1745

*- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.*

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.  
 (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.  
 (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
     (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  
 (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  
 (d)  No reply has been received.
  
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  
 (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  
 (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
     The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.  
 (c)  The issue fee and publication fee, if applicable, has not been received.
  
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  
 (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.  
 (b)  No corrected drawings have been received.
  
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7.  The reason(s) below:

JW

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.  
 U.S. Patent and Trademark Office  
 PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper

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**Attachment to Notice of Abandonment**

**For questions concerning the notice contact  
Office of Patent Publication  
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

**Respond to the Notice of Abandonment by one of the following:**

- 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:  
By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

- 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:  
By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

- 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:  
By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

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